

**Cooperative Agreement between the DCA and Monroe County to Address
Significant Work Program Issues**

This Cooperative Agreement sets forth the reciprocal commitments of the Florida Department of County Affairs ("DCA") and Monroe County ("County") to implement the Year 2010 Comprehensive Plan Work Program and the recommendations of the Florida Keys Carrying Capacity Study. The specific commitments of each party are linked to, and dependent upon, performance of the other party's commitments hereunder.

WASTEWATER

Commitments by the County

1. The County will initiate and take all steps legally necessary to obtain up to \$40 million in bond financing secured by infrastructure tax funds to match \$10 million in grant funds from the State in 2004 and \$20 million in Federal/State grants in 2005 for construction of wastewater projects.
2. The County, in cooperation with the Florida Keys Aqueduct Authority, will initiate and take all steps legally necessary to obtain up to \$80 million in bond financing secured by connection fees, to fund construction and expansion of wastewater projects.

The total amount to be bonded by the County would be up to \$120 million, which is 50 percent of estimated total costs of remaining projects.

Commitments by DCA

1. Secure \$10 million in grants to match the \$20 million to be bond-financed by Monroe County for wastewater projects in FY 2004.
2. Secure \$20 million in Federal/State grants to match \$20 million to be bond-financed by Monroe County for wastewater projects in FY 2005.

The above are minimum commitments by DCA; Secretary Castille has committed DCA to endeavor to secure additional state funding and to work with the County to obtain additional federal funding. DCA has already identified \$18 million in Governor's FY 05 Budget for Florida Keys wastewater construction.

WORKFORCE/AFFORDABLE HOUSING

Commitments by the County

1. The County will initiate and take all steps legally necessary to obtain up to \$10 million in bond financing, secured by its half-penny of the tourist impact tax, to purchase land for workforce housing .
2. The County will initiate and hold public hearings on amendments to the Comprehensive Plan and Land Development Regulations regarding affordable housing allocations and assignment of these allocations, to increase and more effectively distribute such allocations in order to address affordable housing needs.
3. The County will assign to a workforce/affordable housing pool at least 234 ROGO allocations; such allocations to be obtained from the following sources: 53 (existing unused allocations); 156 ROGO restored allocations lost in ROGO Years 9 through 12 due to reductions in the County's annual allocations made by Administration Commission rulemaking; and 25 allocations lost in ROGO Year 10 due to lack of nutrient reduction credits. This commitment requires that DCA recommend to Governor and Cabinet the restoration of these lost allocations.
4. The County will identify potential sites for workforce/affordable housing and will include appropriate sites in the Land Acquisition Master Plan.

Commitments by DCA

1. Secure \$20 million (including the \$3 million in grant funds already identified by the Secretary as being available) for purchases of land for affordable/workforce housing over the next two years.
2. Restore to Monroe County the 181 allocations lost between ROGO Years 9 through 12 due to reductions in the County's annual allocations made by Administration Commission rulemaking and lack of nutrient reduction credits in Year 10; those restored allocations are to be assigned to affordable/workforce housing.
3. Restore Monroe County's annual ROGO allocation of 197 units, with the number of market rate units not to exceed 126 per year and the number of affordable housing units being increased to at least 71 per year. [The current allocation is a total of 158, of which 126 are market rate and 32 are affordable.]

HABITAT PROTECTION

Commitments by the County

1. The County will draft and hold public hearings to adopt an interim moratorium on ROGO/NROGO allocation awards in areas containing tropical hardwood hammock or pinelands of two acres or greater within Conservation and Natural Areas, such moratorium to extend for up to one year or until amendments are made to the Comprehensive Plan and Land Development Regulations for protection of those habitats. To assure precise identification of those lands warranting special protection, the County Growth Management Division staff will prepare a map of Conservation and Natural Areas, utilizing Florida Marine Resources Institute ADID Maps, the most recent aerial photographs, site visits as necessary, and input from DCA and the public.
2. Amend the Comprehensive Plan and/or Land Development Regulations to:
 - a. Adopt Tier Overlay Map designations;
 - b. Revise ROGO/NROGO based on Tier System utilizing a positive point approach that predominately relies on land dedication and aggregation;
 - c. Revise the environmental regulations using the Tier system rather than the existing Habitat Evaluation Index.
3. Prepare a Land Acquisition Master Plan including strategies, funding, and non-funding sources for acquisition and management of conservation lands, retirement of development rights, and acquisition of affordable housing sites. DCA participation in this effort will be needed to secure assistance of state and federal agencies in this effort.

Commitments by DCA

1. Secure \$93 million for the purchase by the State of environmentally sensitive lands under CARL.

[Secretary Castille has publicly committed to request the Legislature to provide up to \$93 million in Florida Forever Funds for acquisition of sensitive lands.]
2. Actively assist and support the County's efforts to expand CARL boundaries to include a majority of vacant privately owned lands within the County's Conservation and Natural Areas.

EXHIBIT ONE

3. Facilitate and cooperatively work with the County in the preparation of a Land Acquisition Master Plan.
4. Actively participate in, and assist the County with, the legal defense of any takings claims and Bert Harris Act claims arising from the Comprehensive Plan or actions contemplated by this document. Help the County secure state funding grant assistance to cover these claims.
5. Authorize the County either to borrow 41 "future" nutrient reduction credits to be generated from the expansion of the KW Resort Utility facilities on Stock Island to retroactively eliminate the backlog of ROGO allocations, or to allow ROGO allocations to be rolled over. [County will lose these allocations in this ROGO year if the backlog is not eliminated or roll-over is not authorized.]
6. Authorize the County to borrow, at least for affordable housing allocations, "future" nutrient reduction credits to be generated from wastewater projects in Stock Island, Bay Point, Conch Key and Key Largo.

REPORT TO GOVERNOR AND CABINET

Commitments by the County

1. Commits to implementing these reciprocal agreements in cooperation with the DCA.
2. Commits to a partnership between the DCA and County to effectuate these shared objectives.

Commitments by DCA

1. Report to the Governor and Cabinet that the County has made substantial progress on its Work Program based on the mutual commitments set forth in this agreement.
2. Make recommendations to the Governor and Cabinet for rule amendments necessary to implement these commitments.

APPROVAL

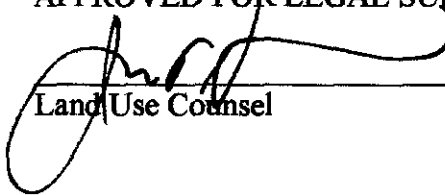
Approval of this document by Monroe County will be evidenced by the signature of the Mayor of Monroe County pursuant to Resolution of the Board of County Commissioners. Approval by DCA will be evidenced by either the signature of the DCA Secretary of a counterpart original hereof or by written communication of assent to the terms hereof, signed by the DCA Secretary.

EXHIBIT ONE

Executed by the undersigned Mayor of Monroe County pursuant to Resolution of the Board of County Commissioners, Monroe County, Florida at a regular meeting of said Board held on the 21st day of January, A.D., 2004.

BY: _____
MAYOR

APPROVED FOR LEGAL SUFFICIENCY:



Land Use Counsel